

DEPARTMENT OF PERSONNEL ADMINISTRATION

OFFICE OF THE DIRECTOR

1515 "S" STREET, NORTH BUILDING, SUITE 400
SACRAMENTO, CA 95814-7243

March 18, 2010

The Honorable Denise Ducheny
Chair, Joint Legislative Budget Committee
State Capitol, Room 5035
Sacramento, California 95814

Re: Addenda for International Union of Operating Engineers (IUOE) Craft and Maintenance Employees within the Department of Corrections and Rehabilitation (CDCR), Layoffs, Transfers

Affecting Employees Represented by Bargaining Unit 12 (IUOE, Craft and Maintenance) Employed at Various Locations within CDCR

In August and September 2009, the CDCR initiated three cost-cutting moves that prompted layoffs of affected employees. Those moves were: 1) CDCR's Division of Juvenile Justice (DJJ) initiated a new staffing model (Right Sizing) to better align the make-up of its professional staff with the treatment needs of its population and to reflect DJJ's reduced operational expenses; 2) CDCR cut offender substance abuse programs (Program 800) and; 3) CDCR announced it would close the Heman G. Stark Youth Correctional Facility.

On January 5, 2010, DPA, CDCR and representatives of the IUOE reached an agreement on issues related to job-transferring of staff affected by DJJ's Right Sizing, Program 800 reductions, and Stark's closure. Mainly, the terms of the agreement provide that affected employees:

- will have a hiring preference to return to Stark should the facility re-open and the employee remain in at CDCR [Stark layoffs only].
- maintain hiring priority for open positions within the employee's geographic area of layoff [Program 800 and DJJ Right Sizing layoffs only].
- have the opportunity to meet with CDCR and have a job placement meeting and;
- can seek permission to use administrative time off for purposes of relocating to another CDCR institution.
- IUOE also agreed to waive its MOU's post and bid process for the placement of affected employees.

There are no costs to CDCR associated with the implementation of this agreement.

If you have any questions, please contact Tom Dyer, Legislative Coordinator, at (916) 327-2348.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Endsley", written in a cursive style.

Debbie Endsley
Director

Attachments

cc: Members Joint Legislative Budget Committee

Michael Prosio, Legislative Affairs Secretary
Office of Governor Schwarzenegger

Mack Taylor, Legislative Analyst
Office of the Legislative Analyst

Jody Martin, Principal Consultant
Joint Legislative Budget Committee

ecc:	Diego Martin, Consultant Office of the Legislative Analyst	Geoff Long, Chief Consultant Assembly Appropriations Committee
	Diana Ducay, Program Budget Manager Department of Finance	Brad Williams, Consultant Assembly Appropriations Committee
	Craig Cornett, Chief Fiscal Policy Advisor Office of the Pro Tem	Pamela Schneider, Consultant Senate PE&R Committee
	Charles Wright, Chief Consultant Office of the Pro Tem	Karon Green, Chief Consultant Assembly PER&SS Committee
	Chris Woods, Budget Director Office of the Speaker	Therese Twomey, Consultant Senate Republican Caucus
	Greg Campbell, Chief Consultant Office of the Speaker	Terry Mast, Consultant Assembly Republican Caucus
	Seren Taylor, Staff Director Senate Republican Fiscal Office	Alene Shimazu, Chief Fiscal Analysis, DPA
	Chantele Denny, Consultant Senate Republican Fiscal Office	Diane Navarro, Deputy Director Labor Relations, DPA
	Anthony Archie, Consultant Assembly Republican Fiscal Office	Randy Fisher, LRO Labor Relations, DPA
	Peter Schaafsma, Staff Director Assembly Republican Fiscal Office	
	Daniel Alvarez, Staff Director Senate Budget Committee	
	Bryan Ehlers, Consultant Senate Budget Committee	
	Adam Dondro, Staff Director Assembly Budget Committee	
	Bob Franzoia, Staff Director Senate Appropriations Committee	
	Maureen Ortiz, Consultant Senate Appropriations Committee	

bcc: Jason Sisney, Consultant
Office of the Legislative Analyst

Tim Lynn
Department of Finance

Koreen Hansen
Department of Finance

Keith Nezaam
Department of Finance

Dave Ide
Fiscal Analysis, DPA

Lynelle Jolley, Chief
Communications, DPA

David Gay, Web Manager
Communications, DPA

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International Union of Operating Engineers,
Bargaining Unit 12

Layoff Negotiations
December 12, 2009

The agreement represents the full and complete understanding of the parties at the conclusion of impact negotiations completed on December 12, 2009 relating to the H.G Stark, DJJ Rightsizing, and Program 800 Department of Corrections and Rehabilitation layoffs.

1. Effective from February 1, 2010 until July 31, 2011, if the H. G. Stark (Stark) Facility is re-opened by the CDCR, for any reason, and utilizes the same classifications of employees transferred or laid off from Stark, employees in those classifications who moved from this facility and remained at CDCR may retain first right of refusal to the Stark facility. Selection shall be made based on seniority. An employee who declines an offer under this section shall be removed from the list.
2. For impacted employees, except for those in Stark (Item 1), who exercise an option to remain in CDCR, special preference which will be administered in accordance with the process as identified under article 17.2, will be offered and will remain effective until 12/31/10 for placement at a facility within their geographic area of layoff. Employees will submit priority bid sheets at facilities which they want to be considered within the area of layoff. These bid sheets will be maintained by the Facility until a vacancy occurs or until 12/31/10. An employee who declines an offer made under this section shall be removed from this list. Article 17.1 shall be utilized prior to implementing the above.
3. It is CDCR's intent to schedule individual placement meetings with all affected employees with their individual options by the end of the December 2009. Notice will be given to the union as to the time of these meetings so representatives from the union can be present.
4. CDCR shall allow 1 day of administrative time off for placements in which the employee changes their residence over 100 miles from previous work location and move within 6 months of their report date. CDCR shall allow an additional 1 day of administrative time off for placements in which, the employee changes their residence over 200 miles from previous work location and move within 6 months of their report date. Release of these individuals shall not result in additional overtime to the Department.
5. The union agrees to waive post & bid for placement of impacted employees for the duration of the layoff process. Upon completion of the placement process, impacted individuals who remain in limited term

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With permanent status
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appointments as a result of CDCR hiring restriction shall be transitioned to permanent status without the need to re-bid the positions under article 17.2 When the above incumbents are made permanent the limited term time shall count for seniority purposes within Article 17.1.

6. If CDCR obtains funding and decides to offer relocation expenses to employees impacted by the closures and who voluntarily transfers to an Institution/Facility outside the area of layoff, the Union may request to re-open this agreement and meet and confer over this issue. Nothing in this provision obligates CDCR to seek funding for relocation expenses. This provision expires March 1, 2010.
7. Other than what is included in this agreement above, nothing in this agreement shall constitute a waiver of rights or Benefits to which Unit 12 represented employees are entitled under the Unit 12 MOU.

International Union of Operating
Engineers

Jim Rupp

The State of California

Deborah True
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RF
2:12pm
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